

H.154

An act relating to approval of amendments to the charter of the City of Burlington and to charter amendment procedure

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the City of Burlington as set forth in this act. Proposals of amendments were approved by the voters on November 8, 2016.

Sec. 2. 24 App. V.S.A. chapter 3 is amended to read:

CHAPTER 3. CITY OF BURLINGTON

* * *

§ 48. ENUMERATED

The City Council shall have power:

* * *

(58)(A) To acquire and hold by lease, purchase, gift, condemnation under the provisions of 24 V.S.A. §§ 2805 through 2812, inclusive of the Vermont Statutes Annotated, as amended, or otherwise, and to maintain and operate within the limits of Chittenden County, a municipal parking lot or lots, ~~and~~ a municipal parking garage or garages, and any other municipal parking structure(s), and to alter, improve, extend, add to, construct, and reconstruct such lots or garages, subject, however, to the provisions hereinafter contained in this subdivision. In exercising the foregoing power, and notwithstanding the

preceding sentence, the City Council shall not, except pursuant to subdivision (50) of this section and section 276 of this charter, have authority to acquire any property outside the limits of the City of Burlington through the use of the power of eminent domain or condemnation. The City Council shall not be exempt from the responsibility for securing all applicable permits from any community within Chittenden County outside the limits of Burlington in which it desires to construct a parking lot or garage. Any parking lot or garage constructed by the City outside the corporate limits of Burlington shall be subject to the ad valorem property tax of the community in which it is located.

(B) The Board of Public Works Commissioners shall have general control, management, and supervision of all municipal parking lots and garages. ~~Said~~ The Board shall have power to make regulations with respect to the use of all such municipal parking lots and garages, including reasonable terms, conditions, and charges, and shall also have the power to regulate the parking, operation, and speed of vehicles and pedestrian and vehicular traffic on the public highways of the City, including such ways, streets, alleys, lanes, or other places as may be open to the public, to erect, maintain, and operate ~~coin-operated parking meters~~ equipment and systems for the ~~regulations~~ regulation of parking of vehicles, to govern and control the erection of guideposts, street signs, and street safety devices on ~~said~~ the highways, and to prescribe regulations and penalties for violation of the same in respect to all of

~~said the~~ matters and to remove and impound as a public nuisance, at the expense of the owner, any vehicle found parking on a public highway or in a municipal parking lot or garage in violation of any City ordinance or any regulation hereunder, and to prescribe the terms and conditions upon which the owner may redeem such vehicle from the pound, which regulations, when published in the manner provided in section 49 for the publication of ordinances, shall have the force and effect of ordinances of the City, and violations of which shall be subject to the penalties provided in section 50 of this charter. All ordinances of the City, and all regulations of the Board of Parking Commissioners, in effect prior to July 1, 1959, shall remain in full force and effect notwithstanding that the subject matter thereof shall be within the jurisdiction of the Board of Public Works Commissioners, unless and until such Board shall, by regulation duly adopted and published, alter, amend, or repeal the same.

(C) ~~Said The~~ Board shall also from time to time recommend to the City Council the acquisition or construction of municipal parking lots or garages, and the City Council shall not authorize such acquisition or construction without such recommendation, nor shall the City Council dispose of or lease to others for operation any municipal parking lot or garage without the recommendation of ~~said the~~ Board.

(D) All receipts from the operation or lease of ~~said~~ municipal parking lots and garages shall be kept by the City Treasurer in a separate fund, ~~which shall not at the end of any fiscal year become a part of the General Fund of the City under the provisions of section 65 of this Charter, except as hereinafter provided. Expenditures from said fund may be authorized by said Board to be~~ known as the Parking Facilities Fund and shall be used for the purpose of paying any and all ~~operating~~ expenses ~~of said~~ related to operating, maintaining, acquiring, constructing, or expanding the lots and garages, including ~~salaries and rentals~~ any payments on any obligation incurred for construction or repair of those lots or garages. Any amounts unused at the end of a fiscal year shall be carried over to the next fiscal year. All revenues generated from on-street parking equipment and systems shall be used by the City Council for traffic regulation and control, including acquisition or maintenance of parking facilities; proper repair or construction of streets, sidewalks, and bridges; traffic or parking demand management facilities, planning, or services; traffic calming measures; and other transportation-related activities. In addition, the City Council may vote to place any such revenues in the Parking Facilities Fund, at its discretion. There shall also be credited to said fund by the City Treasurer such portion of the receipts of traffic meter installations on the public streets of the City as is not appropriated by the City Council for the purpose of purchasing and operating said traffic meter installations or

~~controlling or regulating traffic. At the close of each fiscal year, the City Treasurer shall credit to the General Fund of the City such portion of the balance of said Fund, after the payment of operating expenses, as may be required to meet interest payments on any obligations issued for the purpose of acquiring, altering, improving, extending, adding to, constructing, or reconstructing such parking lots or garages, and shall further credit to the sinking fund of the City such further portion of said balance as may be required to meet principal payments on any obligations issued for said purpose, provided, however, that any pledge, assignment, or hypothecation of net revenues under paragraph (E) shall be complied with before making such credits.~~

(E) If it shall reasonably appear to ~~said~~ the Board of Public Works commissioners at any time that the receipts from ~~said~~ the existing municipal parking lots or garages are in excess of the amounts required for the purposes enumerated in the ~~preceding paragraph~~ subdivision (D) of this subdivision (58), and that the acquisition of further lots or garages is not required, they shall cause rates and charges for the use of ~~said~~ the lots and garages, or some of them, to be reduced.

(F) ~~Subject~~ If the Board of Public Works commissioners, pursuant to the provisions of paragraph subdivision (C) of this subdivision (58), has recommended the acquisition or construction of a new parking lot or garage,

the City Council may from time to time pledge, assign, or otherwise hypothecate the net revenues from ~~said~~ the lots or garages, after the payment of operating expenses, and may mortgage any part or all of ~~said~~ the lots or garages, including personal property located therein, to secure the payment of the cost of purchasing, acquiring, leasing, altering, improving, extending, adding to, constructing, or reconstructing ~~said~~ the lots or garages, but the City Council shall not pledge the credit of the City for any of ~~said~~ the purposes except in accordance with the provisions of section 62 of this charter.

* * *

Sec. 2A. 17 V.S.A. § 2645 is amended to read:

§ 2645. CHARTERS; ADOPTION, REPEAL, OR AMENDMENT;

PROCEDURE

(a) A municipality may propose to the ~~general assembly~~ General Assembly to adopt, repeal, or amend its charter by majority vote of the legal voters of the municipality present and voting at any annual or special meeting warned for that purpose in accordance with the following procedure:

(1) A proposal to adopt, repeal, or amend a municipal charter (charter proposal) may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality.

(2) An official copy of the ~~proposed~~ charter ~~amendments~~ proposal shall be filed as a public record in the office of the clerk of the municipality at least

10 days before the first public hearing. The clerk shall certify the date on which he or she received the official copy, and the dated copies thereof shall be made available to members of the public upon request.

(3)(A) The legislative body of the municipality shall hold at least two public hearings prior to the meeting to vote on the ~~proposed~~ charter amendments proposal.

(B) The first public hearing shall be held in accordance with subdivision (a)(2) of this section and at least 30 days before the ~~annual or special meeting~~ vote.

(4)(A) If the ~~proposals to amend the charter are~~ proposal is made by the legislative body, the legislative body may revise the ~~amendments~~ proposal as a result of suggestions and recommendations made at a public hearing, but in no event shall such revisions be made less than 20 days before the date of the meeting to vote on the charter proposal.

(B) If revisions are made, the legislative body shall post a notice of these revisions in the same places as the warning for the meeting not less than 20 days before the date of the meeting and shall attach such revisions to the official copy kept on file for public inspection in the office of the clerk of the municipality.

(5)(A) If the ~~proposals to amend the charter are~~ proposal is made by petition, the second public hearing shall be held no later than 10 days after the

first public hearing. The legislative body shall not have the authority to revise ~~proposals to amend the~~ a charter proposal made by petition.

(B) After the warning and hearing requirements of this section are satisfied, ~~proposals by petition~~ the petitioned charter proposal shall be submitted to the voters at the next annual meeting, primary, or general election in the form in which ~~they were~~ it was filed, except that the legislative body may make technical corrections.

(6)(A) Notice of ~~the each~~ public ~~hearings~~ hearing and of the annual or special meeting shall be given in ~~the same way and time as for annual meetings of the municipality~~ accordance with section 2641 of this chapter.

(B)(i) ~~Such~~ Each notice shall specify the charter sections to be adopted, repealed, or amended, setting out those sections ~~to be amended~~ in the amended form, with deleted matter ~~in brackets~~ struck through and new matter underlined ~~or in italics~~.

(ii) If the legislative body of the municipality determines that the ~~proposed~~ charter ~~amendments are~~ proposal is too long or unwieldy to set out in amended form, the notice shall include a concise summary of the ~~proposed~~ charter ~~amendments~~ proposal and shall state that an official copy of the ~~proposed~~ charter ~~amendments~~ proposal is on file for public inspection in the office of the clerk of the municipality and that copies thereof shall be made available to members of the public upon request.

(7)(A) Voting on a charter amendments proposal shall be by Australian ballot.

(B)(i) The ballot shall show each charter section to be adopted, repealed, or amended in the amended form, with deleted matter ~~in brackets struck through~~ and new matter underlined ~~or in italics~~, and shall permit the voter to vote on each separate proposal of amendment separately contained within the charter proposal.

(ii) If the legislative body determines that the ~~proposed charter amendments are proposal is~~ too long or unwieldy to be shown in the amended form, ~~an official copy of the proposed charter amendments shall be maintained conspicuously in each ballot booth for inspection by the voters during the balloting and~~ voters shall be permitted to vote upon ~~the charter amendments~~ each separate proposal in ~~their~~ its entirety in the form of a yes or no proposition.

(C) An official copy of the charter proposal shall be posted conspicuously in each ballot booth for inspection by the voters during the balloting.

(b)(1) The clerk of the municipality, under the direction of the legislative body, shall announce and post the results of the vote immediately after the vote is counted.

(2) The clerk, within 10 days after the day of the ~~election meeting~~, shall certify to the ~~secretary of state~~ Secretary of State each separate proposal of amendment contained within the charter proposal, showing the facts as to its origin and the procedure followed, which shall include:

(A)(i) If the charter proposal was made by the legislative body, the minutes recorded by the legislative body that detail the origins and intent of each separate proposal;

(ii) If the charter proposal was made by voter petition, the body of the petition and evidence of the required number of petition signatures;

(B) A copy of the official certified copy of the charter proposal filed with the clerk of the municipality pursuant to subdivision (a)(2) of this section;

(C) Copies of the warnings and published notices for each of the public hearings held pursuant to subdivision (a)(3) of this section;

(D) Minutes recorded by the legislative body that detail each of the public hearings held pursuant to subdivision (a)(3) of this section;

(E) Copies of warnings and published notices for the meeting to vote on the charter proposal; and

(F) A copy of the ballot and the results of the vote or votes on the charter proposal.

(c) ~~The secretary of state~~ After confirming that the clerk of the municipality has certified each of the documents listed in subdivision (b)(2) of this section,

~~the Secretary of State~~ shall file the certificate and deliver copies of it to the ~~attorney general and clerk of the house of representatives~~ Attorney General, ~~the Clerk of the House, the secretary of the senate~~ Secretary of the Senate, and the ~~chairman~~ chairs of the committees concerned with municipal charters of both houses of the ~~general assembly~~ General Assembly.

(d) The ~~amendment~~ charter proposal shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the ~~general assembly~~ General Assembly. ~~A proposal for a charter amendment may be enacted by reference to the amendment as approved by the voters of the municipality.~~

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.